

IN RE: PETITION FOR VARIANCE  
N/S Old North Point Road, 844' W  
of centerline Braddock Avenue  
15<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
(809 North Point Road)

The Commercial Net Lease Realty, Inc.  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 99-531-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owners of the subject property, The Commercial Net Lease Realty, Inc. and the Lessee of the site, Heilig-Meyers Company, by and through Peter M. Lundien, its representative. The Petitioners are requesting a variance for their furniture store located at 809 North Point Road. The subject property is zoned BL-AS. The variance request is from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 32 parking spaces in lieu of the required 38 parking spaces.

Appearing at the hearing on behalf of the variance request were: Peter Lundien, on behalf of Heilig-Meyers Company; Stephen Mordfin and David Gildea, attorney at law. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.9489 acres, more or less, zoned BL-AS. The subject property is located on the north side of Old North Point Boulevard just opposite Belmont Avenue in the Eastpoint area of Baltimore County. The subject property is improved with an existing one-story brick and block building which is utilized by the Lessee as a furniture store known as "The Room Store". The Petitioners are currently upgrading their furniture operation, converting their prior operation known as "The Hub Furniture Store" into The Room Store. As a result of the conversion and renovations

ORDER RECEIVED FOR FILING

Date

9/8/99

By

R. J. Mason

that took place on the site, the Petitioners discovered that only 32 parking spaces could be provide in lieu of the required 38. Therefore, the Petitioners are requesting a variance to allow the 32 parking spaces to exist. The testimony offered at the hearing clearly demonstrates that the 32 parking spaces are more than adequate to service the needs of The Room Store customers. Furthermore, the Planning Office has reviewed the Petitioners' request and agree with the Petitioners that the 32 parking spaces are appropriate. Therefore, having considered the testimony offered at the hearing, I find that the variance to approve 32 parking spaces in lieu of 38 shall be approved.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the

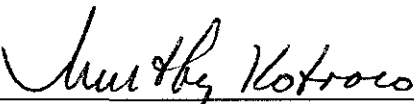
ORDER RECEIVED FOR FILING  
Date 9/8/99  
By R. J. Jemison

relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 8<sup>th</sup> day of September, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 32 parking spaces in lieu of the required 38 parking spaces, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any party has the right to file an appeal within thirty (30) days of the date of this Order.

  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

ORIGINAL RECEIVED FOR FILING  
DATE 9/8/99  
BY R. Jameson



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

September 7, 1999

David K. Gildea, Esquire  
Whiteford, Taylor & Preston, L.L.P.  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

Re: Petition for Variance  
Case No. 99-531-A  
Property: 809 North Point Road

Dear Mr. Gildea:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco". The signature is fluid and cursive, with the first name "Timothy" and last name "Kotroco" clearly distinguishable.

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper

Copies to:

Mr. Gary M. Ralston, President  
Commercial Net Lease Realty, Inc.  
400 E. South Street, Suite 500  
Orlando, Florida 32801

Mr. Peter Lundien  
c/o Heilig-Meyers Company  
3400 Pennsy Drive  
Landover, Maryland 20785

Mr. Stephen Mordfin  
C/o Ben Dyer Associates, Inc.  
P. O. Box 1450  
Landover, Maryland 20785



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 809 North Point Road

which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

BCZR Section 409.6.A.2 -- to permit 32 parking spaces in lieu of the required 38 parking spaces.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

*To Be Presented At The Hearing.*

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

**Contract Purchaser/Lessee:**

Helig-Myers Company

Name - Type or Print

Signature

12560 W. Creek Parkway (804) 784-7554

Address

Telephone No.

Richmond, VA 23238

City

State

Zip Code

**Attorney For Petitioner:**

David K. Gildea

Name - Type or Print

Signature

Whiteford, Taylor & Preston L.L.P.

Company

210 W. Pennsylvania Ave.

(410) 832-2000

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

**Legal Owner(s):**

Commercial Net Lease Realty, Inc.

Name - Type or Print

Signature

GARY M. RALSTON

Name - Type or Print

PRESIDENT

Signature

400 E. South St., Suite 500 (407) 422-1574

Address

Telephone No.

Orlando, FL 32801

City

State

Zip Code

**Representative to be Contacted:**

David K. Gildea

Name

210 W. Pennsylvania Ave.,

(410) 832-2000

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING 1 hr.

UNAVAILABLE FOR HEARING

Reviewed By SPA

Date 6-30-99

Case No. 99-531-A

220 9/15/98

ORDER RECEIVED FOR FILING

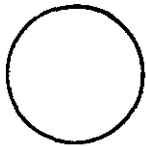
Date 9/8/99

8100 PROFESSIONAL PLACE, SUITE 100  
POST OFFICE BOX 1450  
LANDOVER, MARYLAND 20785-0450

TELEPHONE: 301-459-9200

FAX: 301-459-4361

E-MAIL: bendyer@erols.com



**BEN DYER ASSOCIATES, INC.**  
Engineers / Surveyors / Planners

April 9, 1999  
J-94177  
WO-52444

### ZONING DESCRIPTION

Beginning at a point on the <sup>NORTH</sup>~~South~~ side of Old North Point Road which is forty (40) feet wide at the distance of 844 feet west of the centerline of the nearest improved intersection street, Braddock Avenue, which is 30 feet wide, thence the following courses and distances

North 19°47'03" East, 179.73 feet, North 70°12'57" West, 236.21 feet, South 21°18'15" West, 41.10 feet, South 38°01'55" East, 11.64 feet, South 21°18'15" West, 132.43 feet, South 70°50'45" East, 98.11 feet and South 69°43'45" East, 132.87 feet to the place of beginning, containing 0.9489 acres of land, as recorded in Liber 12662, Folio 174.

5-DescZoning406/kt



*David S. Oertly*

99-531-A  
5007

**BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT**

No. **074343**

DATE 11/18/99 ACCOUNT 001-6150  
 RECEIVED FROM: Whiteford Taylor & Preston  
 FOR: 99-2009  
809 Northpoint Rd

DISTRIBUTION  
 WHITE - CASHIER  
 PINK - AGENCY  
 YELLOW - CUSTOMER

**PAID RECEIPT**  
 PROCESS ACTUAL TIME  
 11/22/1999 11/19/1999 15:22:29  
 REG 0504 CASHIER LSN LXS DRAWER 2  
 Dept 5 528 ZONING VERIFICATION  
 Receipt # 105796  
 CR NO. 074343  
 Receipt Tot 40.00  
 40.00 CK  
 .00 CA  
 Baltimore County, Maryland

**CASHIER'S VALIDATION**

**BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT**

No. **070416**

DATE 6-30-99 ACCOUNT R-001-6150  
 RECEIVED FROM: Whiteford Taylor & Preston  
 FOR: Comm. Adv.  
TOTAL

DISTRIBUTION  
 WHITE - CASHIER  
 PINK - AGENCY  
 YELLOW - CUSTOMER

**PAID RECEIPT**  
 PROCESS ACTUAL TIME  
 6/30/1999 6/30/1999 10:30:08  
 REG 0502 CASHIER LSN LXS DRAWER 2  
 Dept 5 528 ZONING VERIFICATION  
 Receipt # 098218  
 CR NO. 070416  
 Receipt Tot 250.00  
 250.00 CK  
 .00 CA  
 Baltimore County, Maryland

**CASHIER'S VALIDATION**



# CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/5/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/5/, 1999

THE JEFFERSONIAN,

*S. Wilkinson*

LEGAL ADVERTISING

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-531-A  
809 North Point Road  
N/S - Old North Point Road  
844' W of centerline Braddock Avenue  
15th Election District  
7th Councilmatic District  
Legal Owner(s): Commercial  
Net Lease Realty, Inc.  
Lessee: Helig-Meyers Company

Variance: to permit 32 parking spaces in lieu of the required 30 parking spaces  
Hearing: Tuesday, August 24, 1999 at 9:00 a.m. in Room 407 County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible. For special accommodations Please Contact the Zoning Commissioners' Office at (410) 887-4366

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3351  
8/3/99 August 5 5389762

**CERTIFICATE OF POSTING**

RE: CASE # 99-531-A  
PETITIONER/DEVELOPER:  
[Heilg-Meyers Co.]  
DATE OF Hearing  
[Aug. 24, 1999]

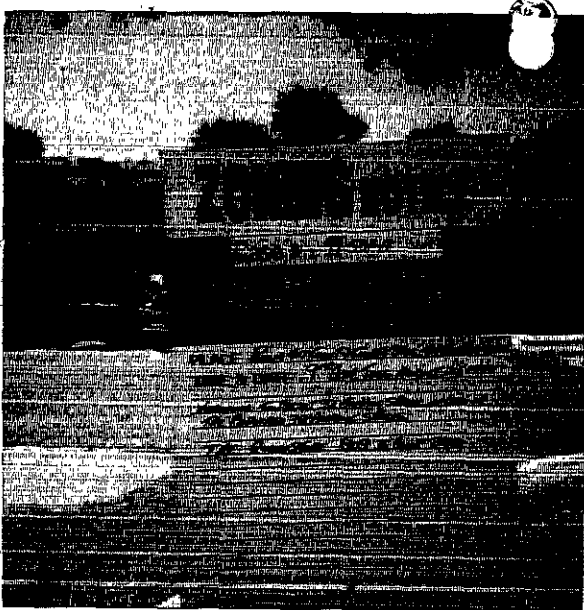
Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Ave.  
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property located at  
809 North Point Road Baltimore, Maryland 21224\_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ 8-9-99 \_\_\_\_\_  
[Month, Day, Year]



Sincerely,

*Thomas P. Ogle, Sr.* 8/9/99  
[Signature of Sign Poster & Date]

\_\_\_\_\_  
Thomas P. Ogle, Sr.

\_\_\_\_\_  
325 Nicholson Road

\_\_\_\_\_  
Baltimore, Maryland 21221

\_\_\_\_\_  
[410]-687-8405  
[Telephone Number]

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

---

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**For Newspaper Advertising:**

Item Number or Case Number: 99-531-A  
Petitioner: Heilig-Meyers Furniture Co.  
Address or Location: 809 Old North Point Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: David K. Jelden, Esq.  
Address: Whiteford, Taylor & Preston  
210 W. Penn. Ave Towson, Md. 21204  
Telephone Number: (410) 832-2000

Revised 2/20/98 - SCJ

99-531-A.  
5007

TO: PATUXENT PUBLISHING COMPANY  
Thursday, August 5, 1999 Issue – Jeffersonian

Please forward billing to:

David K. Gildea, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, MD 21204

410-832-2000

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## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-531-A

809 North Point Road

N/S Old North Point Road, 844' W of centerline Braddock Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Commercial Net Lease Realty, Inc.

Lessee: Heilig-Meyers Company

Variance to permit 32 parking spaces in lieu of the required 38 parking spaces.

HEARING: Tuesday, August 24, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

July 27, 1999

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-531-A  
809 North Point Road  
N/S Old North Point Road, 844' W of centerline Braddock Avenue  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owner: Commercial Net Lease Realty, Inc.  
Lessee: Heilig-Meyers Company

Variance to permit 32 parking spaces in lieu of the required 38 parking spaces.

HEARING: Tuesday, August 24, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

c: David K. Gildea, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue,  
Towson 1204  
Commercial Net Lease Realty, Inc., Gary M. Ralston, President, 400 E. South Street,  
Suite 500, Orlando, FL 32801  
Heilig-Meyers Company, 12560 W. Creek Parkway, Richmond, VA 23238

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 9, 1999.**  
(2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**  
(3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

August 20, 1999

David K. Gildea, Esq.  
Whiteford, Taylor & Preston, LLP  
210 W. Pennsylvania Avenue  
Towson, MD 21204

Dear Mr. Gildea:

RE: Case No.: 99-531-A  
Petitioner: Commercial Net Lease Realty/Helig-Meyers Company  
Location: 809 North Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 30, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", followed by a stylized flourish.

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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Jim  
8/24

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** August 12, 1999

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** 809 North Point Boulevard

**INFORMATION:**

**Item Number:** 531

**Petitioner:** Helig-Myers Company

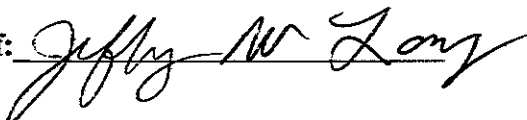
**Zoning:** BL-AS

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

A field visit to the property indicated that ample parking opportunities exist in the shopping center; therefore, the Office of Planning supports the applicant's request.

**Section Chief:**



AFK/JL

12

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Date: August 4, 1999  
Department of Permits & Development  
Management

FROM: Robert W. Bowling, Supervisor *RWB/DMK*  
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting  
for July 26, 1999  
Item Nos. 525, 526, 528, 529, 530,  
531, 532, 001, 002, 003, 004, 005,  
006, 007, 009, 010, 011, 012, 013,  
and 014

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File





**Baltimore County  
Fire Department**

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

July 21, 1999

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 19, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

525, 526, 528, 529, (531), 532, 002, 003, 004, 007, 008,  
009, 010, 011, 012, AND 013.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)





**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor  
John D. Porcari  
Secretary  
Parker F. Williams  
Administrator

Date: 7.20.99

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 531 JRA

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE  
809 North Point Road, N/S North Point Road,  
844' W of c/l Braddock Ave  
15th Election District, 7th Councilmanic

Legal Owner: Commercial Net Lease Realty, Inc.  
Lessee: Helig-Meyers Company  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 99-531-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30<sup>th</sup> day of July, 1999 a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 20, 1999

TO: Larry E. Schmidt  
Zoning Commissioner

FROM: James H. Thompson - JC  
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 531  
PETITIONER: Commercial Net Lease Realty, Inc.

VIOLATION CASE NO.: 98-4089

LOCATION OF VIOLATION: N/S Old North Point Road, 844' W of centerline  
Braddock Avenue (809 North Point Road)

DEFENDANT(S): Commercial Net Lease Realty, Inc.

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/jc/lmh

99-531-A



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

November 29, 1999

David Gildea, Esquire  
Whiteford Taylor & Preston  
210 West Pennsylvania Avenue  
Towson, Maryland 21204

Dear Mr. Gildea:

RE: 809 North Point Road, Zoning Case No. 99-531-A, 15<sup>th</sup> Election District

Your letter of November 10, 1999 has been referred to me for reply. The order granted in case no. 99-531-A was dated September 8, 1999. The 30 day appeal period ran from September 8 to the end of the business day October 8, 1999. There were no appeals filed for the above referenced case during this period.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Moxley".

Lloyd T. Moxley  
Planner II  
Zoning Review

LTM:rsj

c: Zoning Case 99-531-A



SEVEN SAINT PAUL STREET  
BALTIMORE, MARYLAND 21202-1626  
TELEPHONE 410 347-8700  
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER  
10440 LITTLE PATUXENT PARKWAY  
COLUMBIA, MARYLAND 21044  
TELEPHONE 410 884-0700  
FAX 410 884-0719

DAVID K. GILDEA  
DIRECT NUMBER  
410 832-2066  
dgildea@wrplaw.com

WHITEFORD, TAYLOR & PRESTON  
L.L.P.

210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-4515

410 832-2000  
FAX 410 832-2015  
www.wtplaw.com

To: LHM.  
11/17/99 wa  
11/15/99  
WCK  
8  
1025 CONNECTICUT AVENUE, NW  
WASHINGTON, D.C. 20036-5405  
TELEPHONE 202 699-6800  
FAX 202 331-0573

1317 KING STREET  
ALEXANDRIA, VIRGINIA 22314-2929  
TELEPHONE 703 836-5742  
FAX 703 836-0265

LHM  
12CVO  
11/22

November 10, 1999

**Via Hand Delivery**

Mr. Arnold Jablon, Director  
Department of Permits and Development Management  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

**Re: The Room Store/809 Northpoint Road**  
**Case No.: 99-531-A**  
**Our File No.: 07695/00001**

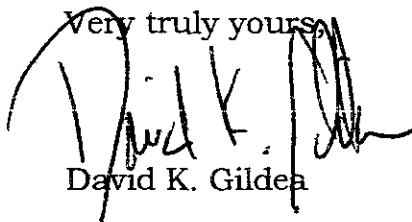
Dear Mr. Jablon:

Heilig-Meyers Company, d/b/a The Room Store, by and through its attorneys, Whiteford, Taylor & Preston, hereby requests a certification letter for the above referenced property. On September 8, 1999 Zoning Commissioner Kotroco granted a parking variance for 32 parking spaces in lieu of the required 38 parking spaces (see attached Opinion). Please certify that the appeal period has run and that no timely appeal has been filed.

Please forward the certification letter to me after completion. I have enclosed a \$40.00 check for the fee.

Should you have any questions or comments, please contact me.  
With kind regards, I am

Very truly yours,



David K. Gildea

DKG:bhb  
181269

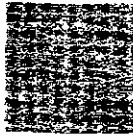
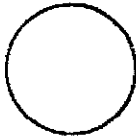


Pet Ex 2

8100 PROFESSIONAL PLACE, SUITE 100  
POST OFFICE BOX 1450  
LANDOVER, MARYLAND 20785-0450

TELEPHONE 1-301-459-8200

FAX# 1-301-459-4361

**BEN DYER ASSOCIATES, INC.**

Engineers / Surveyors / Planners

**STEPHEN JAY MORDFIN, AICP****POSITION:** Land Planner, Planning & Zoning Section**EDUCATION:** University of Cincinnati, School of Design, Architecture, Art & Planning, Cincinnati, Ohio, Master of Community Planning, 1982

University of Maryland, Division of Behavioral and Social Sciences, College Park, Maryland, Bachelor of Arts in Urban Studies, (Specialization in Urban Planning), 1980

**AFFILIATIONS:** American Planning Association  
American Institute of Certified Planners**EXPERIENCE:**

1993 thru Present - Ben Dyer Associates, Inc. Position: Land Planner - Preparation of justification statements and applications for special exceptions, variances, map amendments and departures from standards; zoning analyses; land use analyses; testifying before commissioners; graphics.

1992 thru 1993 - Howard County, Maryland, Department of Planning and Zoning. Position: Planner I - Reviewed zoning petitions, prepared/presented staff reports to Planning Board, prepared Planning Board recommendations; assisted public in preparation of zoning petitions; responded to citizen inquiries regarding Zoning Regulations; drafted brochures.

1988 thru 1992 - City of Laurel, Maryland, Department of Planning and Zoning. Position: Senior Planner - Researched/wrote new Zoning Ordinance/Master Plan; evaluated development & zoning proposals; chaired meetings with developers; wrote/presented staff reports to City Council/Planning Commission; Board of Appeals representative; responded to citizen inquiries; coordinated preparation of Capital Improvements Program; directed local review of 1990 Census; liaison to governmental agencies.

1988 - Fairfax County, Virginia, Office of Comprehensive Planning. Position: Planner II - Reviewed/evaluated zoning petitions; resolved technical issues; prepared/presented staff reports/graphics for Planning Commission/Board of Supervisors; chaired meetings between zoning applicants and State/County agencies.

1986 thru 1988 - City of Laurel, Maryland, Department of Planning and Zoning Position. Senior Planner - Researched/wrote draft zoning ordinance/master plan; evaluated development & zoning proposals; chaired meetings with developers; wrote/presented staff reports to City Council/Planning Commission; Board of Appeals representative; responded to citizen inquiries; supervised Associate Planner.

1984 thru 1986 - Harford County, Maryland, Department of Planning and Zoning Position: Transportation Planner - Analyzed development plans for traffic impacts; evaluated transit possibilities & circulation studies; responded to citizen inquiries; managed County portion of regional transportation planning budget.

**EXPERT TESTIMONY:**

Expert witness qualified in Land Planning before the Zoning Hearing Examiner in Prince George's County (first qualified 6/21/95); the Montgomery County Board of Appeals (first qualified 9/14/94). Testified before District of Columbia Board of Zoning Adjustment 12/21/94.

**AWARDS:**

1991 - Certificate of Appreciation. Governor's 1990 Census Promotion Campaign. State of Maryland.

1990 - Outstanding City Employee in Recognition of Exceptional Service. City of Laurel, Maryland.

1980 thru 1982 - Full Tuition Academic Scholarship. University of Cincinnati, School of Design, Architecture, Art and Planning.



NORTH  
POINT  
BOULEVARD  
(MARYLAND ROUTE NR 151)  
150' R/W

WESTBOUND LANE

EASTBOUND LANE

Ex. Grass Island

Ex. Asphalt Paving

Utility Easement - Liber 4896 Folio 410

Ex. Conc. Island

Ex. Conc. Island

AB-GLO ASSOCIATES  
LIBER 4514 FOLIO 102  
(Tax Map 09 Parcel 277)  
Zone: BL-AS  
Use: Restaurant  
Ex. Building

Entrance Impasse - Egress Easement (Private)  
Liber 5210 Folio 81 and  
Liber 5600 Folio 920

30' Right of Way For Impasse - Egress  
Liber 4514 Folio 09  
Zone: BL-AS  
Use: Private

10' Utility Easement  
Liber 4480 Folio 103  
Zone: BL-AS  
Use: Public

30' Building Setback (Front)  
Zone: BL-AS  
Use: Restaurant

30' Right of Way For Impasse - Egress  
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Zone: BL-AS  
Use: Private

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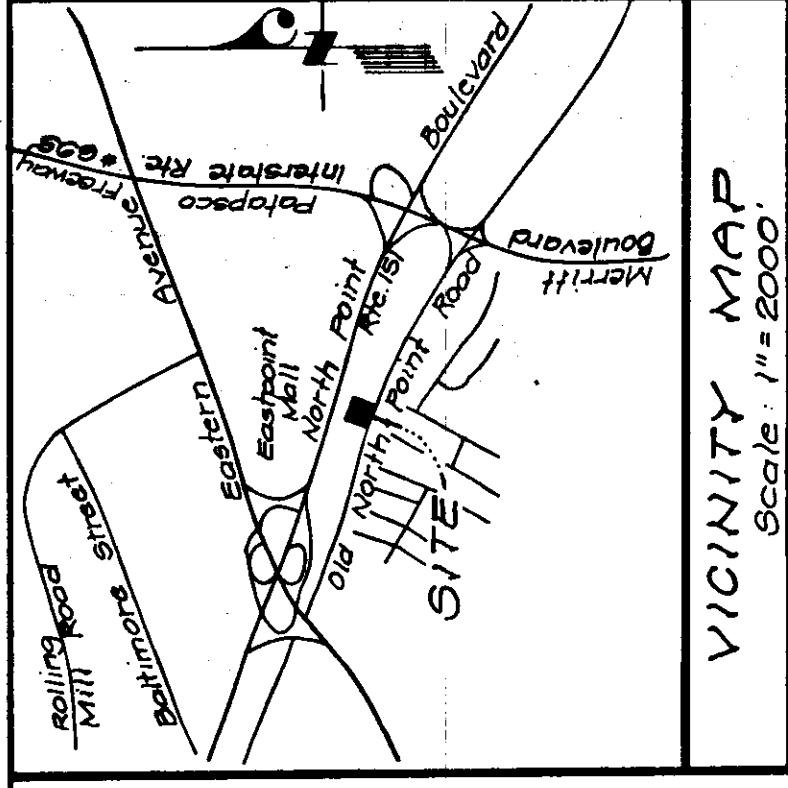
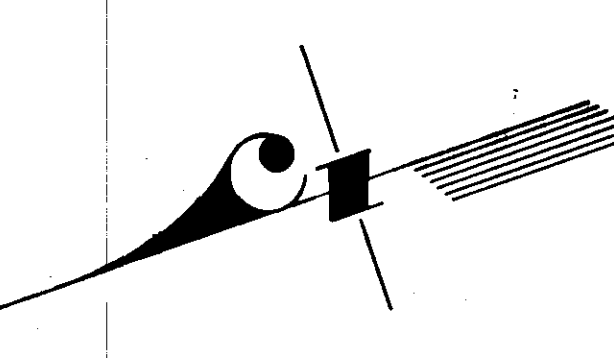
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30' Building Setback (Front)  
Zone: BL-AS  
Use: Restaurant



VICINITY MAP  
Scale: 1" = 2000'

NOTES

- The subject property is zoned BL-AS.
- The use of the property is a furniture store.
- Gross Site Area: 41,334 sq ft or 0.9489 ac.
- Parking: 38, per Zoning Case No. 71-284-A Required: 32, including 2 van spaces reserved for the physically handicapped. Provided: 32, including 2 van spaces reserved for the physically handicapped.
- All parking spaces to be permanently marked.
- Typical stall space size - 8.5' x 18'. Typical parallel space size - 7.5' x 21'. Typical van space reserved for the physically handicapped - 8' x 18', plus 5' aisle.
- All structures and uses within 200 feet are shown.
- Address: 809 North Point Road
- FAR: 0.58
- Tax Account No.: 16-00-000310
- Election District: 15\*
- Councilmanic District: 7\*
- Census Tract: 4206
- Watershed: 21
- Sub-Sewershed: 48, Sewershed: Back River
- Existing impervious area: 35,540 sq ft
- Proposed impervious area: 35,540 sq ft
- Total disturbed area: None
- The site is not located within the 100 year floodplain.
- The site is not a designated area of critical state and not within the Chesapeake Bay Critical Area Boundary.
- There are no federal, state or county historic landmarks on the site.
- The site is not located within a federal, state or county historic district.
- Zoning History: Case No. 71-284-A was granted by the Zoning Commission for a variance from BCZR Section 409.2 (BM) in order to permit 38 parking spaces in lieu of the required 145

Relief Requested  
Variances from BCZR Section 409.2 G.A.2 to permit thirty-two (32)  
parking spaces in lieu of the required thirty-eight (38) parking spaces.

Ref Ex #1

PLAN TO ACCOMPANY VARIANCE  
LANDS OF  
**COMMERCIAL NET LEASE  
REALTY, INC.**

FIFTEENTH ELECTION DISTRICT  
SEVENTH COUNTY COUNCIL DISTRICT  
BALTIMORE COUNTY, MARYLAND

Owner:  
Commercial Net Lease  
Fifteenth Election District  
Seventh County Council District  
12500 West Creek Parkway  
Richmond, VA 23268-1110



DATE	6-16-99	REVISIONS	
DESCRIPTION	Revised ownership information.		
BY	ST		
SCALE	1" = 30'		
CHECKED BY	U-94177		
DRAWN BY	U-94177		
RECORD NO.			
PROJECT NO.			
DATE	February 1999		
PROJECT	6-001-Y		













Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

**Heilig-Meyers Furniture Company**  
c/o McGuire, Woods, Battle & Boothe LLP  
One James Center  
901 East Cary Street  
Richmond, VA 23219

**To Whom It May Concern:**

The property known as 809 North Point Road, and identified by tax account number 16-00-004487, is currently zoned B.L.-A.S. The B.L.-A.S. zone supports the use of a retail furniture store as of right.

A search of the old zoning case files has revealed that this property was the subject in zoning case number 38 parking spaces. The case files for this case have enclosed microfilm prints for your use.

The zoning case number for 38 parking spaces is 32068. A building permit and a rear yard setback of zero feet of the required 10 feet. A building permit was issued under permit number 32068, C-652-71. This application approved a smaller building that did not need to use the rear yard variance request. The approved site plan shows a layout for 38 parking spaces in accordance with the Deputy Zoning Commissioner's order dated July 28, 1971.

The as-built site plan that accompanied your previous request indicated only 32 or 34 spaces (it was unclear to me whether the 2 handicapped spaces were included in the count on the row marked 17 spaces). This would indicate non-compliance with an approved site plan and zoning case number 71-284-A. It appears that when the owner tried to accommodate the 2 handicapped spaces, the required width eliminated some of the required parking. This deficiency can only be corrected with a special hearing to amend zoning case number 71-284-A or a new variance.

The building setbacks are in accordance with zoning case number 71-284-A and/or Section 232 of the Baltimore County Zoning Regulations. This office recognizes that this property is a separate lot of record and no further steps are necessary to comply with Division 2 of the Baltimore County Code (subdivision regulations).

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

Requests for copies of occupancy permits are handled through the Buildings Engineer. A check with this agency indicates that the original occupancy permit is no longer in Baltimore County's records; occupancy permits are purged from records after approximately 5 years.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-987-3391.

**Catherine A. Milton**  
**Planner II**  
**Zoning Review**

**Enclosure**

**c: Zoning Case #71-284-A**

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 056730
DATE 9/17/98 ACCOUNT 001-6130	
AMOUNT \$ 40.00 (CASH)	
RECEIVED FROM McGuire Wood's Battle & Boothe	
FOR VERIFICATION #98-3176	
	300 Northpointe Road
DISTRIBUTION UNIT CLERK	PINK ANNUITY YELLOW CUSTOMER

One James Center  
901 East Cary Street  
Richmond, Virginia 23219-4030  
Telephone/TDD (804) 775-1000 • Fax (804) 775-1061  
Direct Dial: (804) 775-1370  
Direct Fax: (804) 698-2240  
ashawel8mwb.com

BY FEDERAL EXPRESS

Mr. Arnold Jablon  
Director of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Heilig-Meyers, 809 Northpointe Road

Dear Mr. Jablon:

This firm represents Heilig-Meyers Furniture Company. In connection with the refinancing of the property, we have been requested to confirm the zoning applicable to the property located in the County of Baltimore, Maryland.

I would appreciate receiving your response in writing via telecopier followed by a regular mailing. Posting on the refinancing of this property is scheduled shortly. I would also appreciate having your response by September 25, 1998. For your convenience, I have enclosed a draft confirmation letter regarding the zoning of the property. I have also enclosed a copy of a prior zoning letter received by your office earlier this year, as well as your \$40.00 fee for the letter.

We have also been requested to obtain a copy of the certificate of occupancy for this property. Please include this document with your response.

Should you have any questions, please call me.

Very truly yours,  
Ashley E. Harwell

AEH/seg  
Enclosures  
cc: Edmund S. Pittman, Esquire



Printed with Soybean Ink  
 100% Soybean Ink  
 100% Soybean Ink

**ALABAMA • ALBUQUERQUE • ANCHORAGE • ARIZONA • ARKANSAS • CALIFORNIA • CANADA • COLORADO • CONNECTICUT • DELAWARE • DISTRICT OF COLUMBIA • FLORIDA • GEORGIA • HAWAII • ILLINOIS • INDIANA • IOWA • KANSAS • KENTUCKY • LOUISIANA • MAINE • MARYLAND • MASSACHUSETTS • MICHIGAN • MINNESOTA • MISSISSIPPI • MISSOURI • MONTANA • NEBRASKA • NEVADA • NEW HAMPSHIRE • NEW JERSEY • NEW YORK • NORTH CAROLINA • NORTH DAKOTA • OHIO • OKLAHOMA • OREGON • PENNSYLVANIA • RHODE ISLAND • SOUTH CAROLINA • SOUTH DAKOTA • TENNESSEE • TEXAS • UTAH • VERMONT • VIRGINIA • WASHINGTON • WEST VIRGINIA • WISCONSIN • WYOMING**